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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,182

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04/30/2008

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/629,182	Applicant(s) FREDLUND ET AL.	
	Examiner Binh-An D. Nguyen	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/29/03;6/28/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Preliminary Amendment filed November 27, 2006 has been received. According to the Amendment, claims 5, 6, 42, and 47 have been amended; and new claims 49-64 have been added. Currently, claims 1-64 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 44 and 47 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for recording the location of participants or golfers, does not reasonably provide enablement for maintenance the golf course. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Note that, the specification does not disclose how the system is used to maintenance the golf course or locations.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 44 and 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. The recited maintenance system of claims 44 and 47 renders the claims vague and indefinite since it is unclear how the system is used to maintain the golf course or locations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-49 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US 2002/0099457.

US 2002/0099457's clearly anticipate Applicant's claims 1-49 since they are duplicated claims that have been published more than one year.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-21, and 23-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (7,121,962) in view of DeLorme et al. (6,321,158).

Referring to claims 19, 44-47, 63, and 64, Reeves teaches system for creating a keepsake representing an activity involving a route having a plurality of locations, comprising: a recording device (Fig.1) for recording a coordinate of the locations; an image processing computer programmed for generating a digital image (e.g., course map)(5:45-6:47; 6:66-7:4) showing the locations (Figs. 1-2, 5); a link for downloading the coordinates of the locations to the image processing computer (2:18-28); an output device for generating the digital image, thereby providing the keepsake of the activity (Abstract and 10:55-63). Reeves does not explicitly teach a digital image capture device for capturing at least one image during the activity, and the digital image includes the at least one captured image. DeLorme et al., however teaches an integrated routing/mapping information comprising a portable GPS connecting to a digital image capture device (Fig. 1A3) for capturing at least one image during the traveling activity to capture image of the traveled locations (14:9-64). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the digital camera disclosed by DeLorme et al. to the system of Reeves to provide a realistic games/sports environment thus increase player's enjoyments and attracts more participants. Note that, regarding claims 44 and 47, the maintenance feature in the preamble does not have patentable weight since no limitation regarding maintenance has been recited.

Referring to claims 1, 17, 48, and 62, the system of Reeves and DeLorme et al. addressed above is capable of performing a method comprising the steps of: providing a participant in the activity with a recording device for recording a location coordinate of

the participant's location at various times during the activity; participating in the activity accompanied by the recording device; receiving personally-identifiable information of the participant; employing the location coordinates recorded by the recording device and the personally-identifiable information of the participant to produce a digital image comprising the personally-identifiable information of the participant and the participant's location at various times during the activity; capturing an image during the activity using a digital image capture device; and generating a keepsake of the activity comprising the digital image and the captured image. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the digital camera of DeLorme et al. to the system of Reeves to provide a realistic games/sports environment thus increase player's enjoyments and attracts more participants.

Referring to claims 2 and 20, Reeves teaches recording device includes a global positioning system (GPS) for determining the location coordinates of the participant's locations (3:50-64).

Referring to claims 3 and 21, Reeves teaches recording a respective time of the participant's locations during the activity using a clock; and including at least one of the recorded times associated with the participant's locations in the digital image (Abstract, lines 2-4).

Referring to claims 5 and 23, wherein the step of receiving personally-identifiable information (or means thereto) comprises capturing an image of the participant; and including the captured image of the participant in the digital image, it would have been obvious to incorporate photo of the player or participant into the game using the camera

of DeLorme et al. to enhance user friendly game interface, e.g., personalize the game, and further, make it easier to identify the player.

Referring to claims 6 and 39, Reeves teaches receiving personally-identifiable information including collecting the participant's name (6:1-15; Fig.1, numeral 6).

Referring to claims 7-9, 16, 24-26, 32, and 36, Reeves teaches the digital image includes alphanumeric information or icon information relating to the activity (Figs. 1, 4a, 4b, 5); manual input to a processing computer (35-37); electronically uploading the alphanumeric information to a processing center (2:38-42).

Referring to claims 10-15, 18, 27-31, 33, 34, 46, 49-51, 55-57, Reeves teaches the activity is at least one hole of golf, and the participant's locations represents a path of a golf ball hit by the participant (Fig.5); the digital image includes a realistic image of a terrain traversed by the participant (Fig.5); the digital image includes a topographical map of a terrain traversed by the participant (Fig.5); the digital image includes an aerial view of a terrain traversed by the participant (Fig. 5); generating text describing the activity; and compositing the text with the image of the route and the personally-identifiable information of the participant (Figs. 1, 4a, 4b, 5); generating, in the digital image, a representation of the route taken by the participant during the activity by graphically connecting the participant's locations at various times during the activity (Fig.5); generating a keepsake of the activity is accomplished by making a print of the digital image (10:58-63); the graphical connection of the participant's locations is accomplished by lines, dots, or a combination thereof (Fig. 5).

Referring to claims 52-54, wherein the captured images is a video image, since it is well known that digital camera can capture video, it would have been obvious to utilize video instead of still pictures to produce a more lively and enjoyable user interface.

Referring to claim 60, the system of Reeves and DeLorme et al. addressed above is capable of capturing image and transferring live to the processing computer.

Further, regarding claims 58 and 59, wherein the captured image is transferred live to a remote display, this could be done using Reeves's teaching of uploading data via cellular phone service (10:47-50).

Referring to claims 62 and 64, the system of Reeves and DeLorme et al. addressed above is capable calculate and record the time to travel between two coordinate locations.

Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (7,121,962) in view of DeLorme et al. (6,321,158) as applied to claims 1-3, 6-21, and 24-64 above, and further in view of Johnson et al. (6,216,064).

Reeves and DeLorme et al. teach all limitations of claims 1 and 19 above. Reeves and DeLorme et al. do not explicitly teach the step of recording a respective elevation of the participant's locations (or means thereto) during the activity using an altitude sensor; and including at least one of the recorded elevations associated with the participant's locations in the digital image. It is well known in the art that GPS systems have many useful capabilities, including a well known function of detecting altitude.

Johnson et al. teach that GPS altitude detection is a well-known concept, though it may be prone to errors over the short term (8:65-67). By incorporating a sensor, such as the sensor mentioned by the applicant, the accuracy can be greatly improved (9:1-2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate an altitude sensor into the GPS enabled device to bring forth accurate altitude detection. Should the device were to be used in hiking, it would have been helpful for the user to know the altitude to track how high they claimed, as well as knowing their position. For the usage in golfing activity, altitude detection would also be helpful to the player knowing the drop or rise in the depth from a current position to position the ball.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN

/Robert E Pezzuto/
Supervisory Patent Examiner
Art Unit 3714